

March 12, 2013

VIA EMAIL (FIELD.CHRIS@EPA.GOV) & U.S. MAIL

Chris D. Field
Emergency Management Program
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Re: 3860 Ashue Road Cleanup

Dear Mr. Field:

I am responding to your correspondence dated March 8, 2013, in which you invited the Wapato School District ("District") and its legal counsel to a meeting hosted by the Yakama Nation on March 18, 2013. Your letter provides no time frame when the alleged meeting will occur. The District will attend with the understanding that the District's attendance at this meeting is in no manner to be construed as a concession that the District is in any way a Potentially Responsible Party ("PRP"). Please schedule the meeting for the late morning or early afternoon to accommodate travel (the District's legal counsel and representatives will be traveling from Seattle).

As far as the District is concerned, it hired responsible contractors who abated any asbestos-containing material before the material was removed and dumped. Further, the entity that actually performed the dumping at the Ashue Site did not have a contractual relationship with the District. The District exercised due care with regard to the Asbestos Containing Material ("ACM"), hired consultants to supervise the cleanup of the ACM and demolition, and further, specifically required that its contractors dispose of the ACM in a EPA approved landfill. Thus, as far as the School District is concerned, it took the necessary precautions against any foreseeable acts or omissions of the third parties and the consequences that could foreseeably result from such acts or omissions and thus, is afforded protection and a defense under CERCLA (42 U.S. C § 9607 (b)(3)).

As indicated, its defense notwithstanding, the School District has an interest in assuring that the issue is properly addressed, and thus, will be in attendance at the meeting.

Please advise as to the time of the meeting.

Best Regards,

AHLERS & CRESSMAN PLLC


John P. Ahlers

Cc: Cliff Villa (villa.clifford@epa.gov)